

## **REMARKS**

### **I. Introduction**

With the addition of new claim 36, claims 1, 3 to 24, and 26 to 36 are currently pending and being considered in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

### **II. Rejection of Claims 1, 4 to 8, 12 to 15, 17, 24, 26, 28, 29, 34, and 35 Under 35 U.S.C. § 103(a)**

Claims 1, 4 to 8, 12 to 15, 17, 24, 26, 28, 29, 34, and 35 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent Application Publication No. 2003/0146940 (“Ellis et al.”) and U.S. Patent Application Publication No. 2003/0177495 (“Needham et al.”). It is respectfully submitted that the combination of Ellis et al. and Needham et al. does not render unpatentable the present claims for at least the following reasons.

Claim 1 relates to a method for displaying a media guide to a user, and recites, *inter alia*, the following:

*displaying, in a single integrated list of recommended titles, at least some of the titles, the at least some of the titles including a title of at least one of the programs immediately available to the user via download or data streaming, a title of at least one of the programs that have been previously stored locally relative to the user, and a title of at least one of the programs that are immediately available to the user via television broadcast.*

Ellis et al. do not disclose or suggest these features. Instead, Ellis et al. refer to displaying only television broadcast program information on a single display page generated based on a user profile. See Ellis et al., e.g., figures 6, 7, 8a, 8b, 8c, 11, 16a, 16b, and 16c. Indeed, the Office Action at page 3 admits this critical deficiency of Ellis et al.

The Office Action refers to ¶¶ [0014], [0019], [0023], and [0025], and figure 1 of Needham et al. as assertedly disclosing displaying, in a single integrated list, titles which include a title of i) a program immediately available download or data streaming, ii) a program that has been previously locally stored, and iii) an immediately available television broadcast program. However, Needham et al. merely indicate displaying past, current, and future broadcast programs. See Needham et al., ¶ [0015], lines 7 to 10; and ¶ [0023], lines 11 to 15. Nowhere do Needham et al. disclose displaying a title of at least one of the programs

that have been previously stored locally relative to the user. Indeed, the list referred to at ¶ [0023] is presented to the user for the purpose of allowing the user to select a broadcast program as a request to have it recorded. Thus, programs that have been recorded would not be presented in the list referred to at ¶ [0023]. Indeed, with respect to recorded programs, Needham et al. merely refer to communicating a copy of a program from a program source to a user's recording device, e.g., in response to a selection of a program of the list of broadcast programs. *See* Needham et al., ¶ [0018], lines 8 to 9; and ¶ [0022], lines 17 to 19. Accordingly, Needham et al. do not disclose or suggest the feature of *displaying, in a single integrated list of recommended titles, at least some of the titles, including a title of at least one of the programs that have been previously stored locally relative to the user.*

Thus, even if the list of Ellis et al. is modified to include the features of the list of Needham et al., the modified list would still not disclose or suggest the features of claim 1.

The novel features of claim 1 provide additional advantages to the user by including in a single list of recommended programs, programs that are already recorded and non-recorded programs so that a user may prioritize the user's viewing experience with respect to both kinds of programs. As explained more fully above, the cited references, whether considered alone or in combination, do not disclose or suggest these features.

Therefore, the combination of Ellis et al. and Needham et al. does not disclose or suggest all of the features of claim 1, so that the combination of Ellis et al. and Needham et al. does not render unpatentable claim 1.

Claims 4 to 8, 12 to 15, 17, and 34 ultimately depend from claim 1, and therefore include all of the features of claim 1, so that the combination of Ellis et al. and Needham et al. does not render unpatentable any of these dependent claims for at least the same reasons set forth above in support of the patentability of claim 1.

Claim 24 includes subject matter analogous to that of claim 1, so that the combination of Ellis et al. and Needham et al. does not render unpatentable claim 24 for at least essentially the same reasons set forth above in support of the patentability of claim 1.

Claims 26, 28, 29, and 35 depend from claim 24, and therefore include all of the features of claim 24, so that the combination of Ellis et al. and Needham et al. does not render unpatentable any of these dependent claims for at least the same reasons set forth above in support of the patentability of claim 24.

Withdrawal of this obviousness rejection is therefore respectfully requested.

### **III. Rejection of Claims 3 and 16 Under 35 U.S.C. § 103(a)**

Claims 3 and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Ellis et al., Needham et al., and U.S. Patent Application Publication No. 2004/0060063 (“Russ et al.”). It is respectfully submitted that the combination of Ellis et al., Needham et al., and Russ et al. does not render unpatentable the present claims for at least the following reasons.

Claims 3 and 16 ultimately depend from claim 1 so that these dependent claims are allowable for at least the same reasons set forth above in support of the patentability of claim 1, since Russ et al. do not correct the critical deficiencies noted above with respect to the combination of Ellis et al. and Needham et al.

Withdrawal of this obviousness rejection is therefore respectfully requested.

### **IV. Rejection of Claims 9 to 11, and 27 Under 35 U.S.C. § 103(a)**

Claims 9 to 11, and 27 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Ellis et al., Needham et al., and U.S. Patent Application Publication No. 2003/0005429 (“Colsey”). It is respectfully submitted that the combination of Ellis et al., Needham et al., and Colsey does not render unpatentable the present claims for at least the following reasons.

Claims 9 to 11 ultimately depend from claim 1, and claim 27 depends from claim 24, so that these dependent claims are allowable for at least the same reasons set forth above in support of the patentability of claims 1 and 24, respectively, since Colsey does not cure the critical deficiencies noted above with respect to the combination of Ellis et al. and Needham et al.

Withdrawal of this obviousness rejection is therefore respectfully requested.

**V. Rejection of Claims 18 and 19 Under 35 U.S.C. § 103(a)**

Claims 18 and 19 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Ellis et al., Needham et al., and U.S. Patent Application Publication No. 2003/0005445 (“Schein et al.”). It is respectfully submitted that the combination of Ellis et al., Needham et al., and Schein et al. does not render unpatentable the present claims for at least the following reasons.

Claims 18 and 19 depend from claim 1, so that these dependent claims are allowable for at least the same reasons set forth above in support of the patentability of claim 1, since Schein et al. do not cure the critical deficiencies noted above with respect to Ellis et al. and Needham et al.

Withdrawal of this obviousness rejection is therefore respectfully requested.

**VI. Rejection of Claims 20 to 23, and 30 to 33 Under 35 U.S.C. § 103(a)**

Claims 20 to 23, and 30 to 33 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 6,515,680 (“Hendricks et al.”) and Ellis et al. It is respectfully submitted that the combination of Hendricks et al. and Ellis et al. does not render unpatentable the present claims for at least the following reasons.

Claim 20 relates to a method of displaying a program guide to a user, and recites, *inter alia*, the following:

. . . c) displaying, on a single page and in a first list, titles of at least some of the suggested media programs; and  
d) displaying, on the single page in a second list, titles of at least some media programs that are immediately available to the user and that meet at least one of the user preferences, a separation of the first and second lists being demarcated.

The Office Action at page 11 admits that “Hendricks does not specifically disclose . . . d) displaying in a second list, titles of at least some media programs that are immediately available to the user and that meet at least one of the user preferences.”

Further, although the Final Office Action of July 8, 2008 admitted at page 11 that “Hendricks in view of Ellis does not disclose displaying a first and second list on a single page, a separation of the first and second lists being demarcated,” the present Office Action at page 11 asserts that the combination of figure 16 of Hendricks et al. and ¶ [0066] and figure 16a of Ellis et al. discloses this feature. However, it is respectfully submitted that, at most, each of Hendricks et al. and Ellis et al. merely indicate a single list of titles on a single page. In this regard, figure 16 of Hendricks et al. merely indicates a single program listing, and ¶ [0066] and figure 16a of Ellis et al. merely indicate a single program listing and selectable

advertisements. The selectable advertisements may advertise other programs or products and lead to a further display pages related to those advertisements. Accordingly, the combination of Hendricks et al. and Ellis et al. does not disclose or suggest all of the features of claim 20.

In Hendricks et al. and Ellis et al., each of the listings serve the same purpose, i.e., to provide a list of selectable programs. Further, neither Hendricks et al. nor Ellis et al. suggest to further modify the listings of selectable programs of Hendricks et al. and Ellis et al. so that the lists are on the same page, where a separation of the lists is demarcated, as provided for in the context of claim 20.

In this regard, it is noted that the novel features of claim 20 provide additional advantages to the user by simultaneously providing, on a single page, two separate lists that are sorted differently “with different priorities and possibly different and additional considerations.” *See* Specification, page 1, lines 20 to 23. That is, a single, integrated on-screen display “may provide a convenient manner for users to learn about upcoming television shows and/or movies (programming) and to obtain suggestions about what media programming to record and/or watch.” *See* Specification, page 1, lines 18 to 26. For example, one list may include programs that are suggested by program providers in order to expose potential viewers to additional content, and the other list may include programs that are sorted based on user preferences. *See, e.g.,* Specification, page 8, line 26 to page 9, line 6; page 9, lines 18 to 24; page 10, lines 1 to 8; page 11, lines 9 to 23; page 16, lines 16 to 32; page 17, lines 20 to 23; page 18, lines 1 to 10; page 23, lines 12 to 14; and page 24, lines 19 to 33.

In view of the foregoing, it is respectfully submitted that the combination of Hendricks et al. and Ellis et al. does not disclose, or suggest, all of the features of claim 20, so that the combination of Hendricks et al. and Ellis et al. does not render unpatentable claim 20.

Claims 21 and 22 depend from claim 20, and are therefore allowable for at least the same reasons as claim 20.

Claims 23, 30, and 33 include subject matter analogous to that of claim 20, so that these claims are allowable for at least essentially the same reasons set forth above in support of the patentability of claim 20.

Claims 31 and 32 depend from claim 30, and are therefore allowable for at least the same reasons as claim 30.

Withdrawal of this obviousness rejection is therefore respectfully requested.

**VII. New Claim 36**

Claim 36 has been added. Claim 36 does not add new matter and is supported by the application, including specification as originally filed. Claim 36 includes subject matter analogous to that of claim 1 and is therefore allowable for at least the same reasons as claim 1.

**VIII. Conclusion**

In light of the foregoing, it is respectfully submitted that all of the presently pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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